

ESTTA Tracking number: **ESTTA131741**

Filing date: **03/26/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	CaseMark, Inc.
Granted to Date of previous extension	03/25/2007
Address	103 Springer Building 3411 Silverside Road Wilmington, DE 19810 UNITED STATES
Attorney information	Kenneth D. Suzan Hodgson Russ LLP One M&T Plaza Suite 2000 Buffalo, NY 14203 UNITED STATES ksuzan@hodgsonruss.com Phone:(716) 856-4000

### Applicant Information

Application No	78802706	Publication date	09/26/2006
Opposition Filing Date	03/26/2007	Opposition Period Ends	03/25/2007
Applicant	RIDGID, Inc. Suite 204-I 850 Library Avenue Newark, DE 19711 UNITED STATES		

### Goods/Services Affected by Opposition

Class 008. All goods and services in the class are opposed, namely: Hand tools, namely, wire and coaxial cable stripping and cutting tools
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Attachments	RIDG-BACK OPP.pdf ( 7 pages )(215850 bytes )
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Signature	/Kenneth D. Suzan/
Name	Kenneth D. Suzan
Date	03/26/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CASEMARK, INC.,	:	In the Matter of Trademark
	:	Application Serial No.
Opposer	:	78/802,706
	:	Filed January 30, 2006
v.	:	For: Registration of
	:	RIDG-BACK in International
RIDGID, INC.,	:	Class 8 published on
	:	September 26, 2006
Applicant.	:	
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Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**NOTICE OF OPPOSITION**

Sir:

In the matter of trademark registration application Serial No. 78/802,706 filed January 30, 2006 for RIDG-BACK for hand tools, namely, wire and coaxial cable stripping and cutting tools published for opposition in the Official Gazette of September 26, 2006. The Trademark Trial and Appeal Board has granted Opposer an extension until March 25, 2007 to oppose Serial No. 78/802,706. Opposer notes that since this deadline occurred on a Sunday, Opposer's deadline to oppose is March 26, 2007.

CaseMark, Inc. ("CaseMark"), a Delaware corporation with its principal place of business at 103 Springer Building, 3411 Silverside Road, Wilmington, Delaware 19810, believes that it will be damaged if such registration is granted, and therefore gives notice of its opposition to the registration of said trademark.

The grounds of opposition are as follows:

1. Applicant seeks to register RIDG-BACK as a trademark for hand tools, namely, wire and coaxial cable stripping and cutting tools in International Class 8. Applicant's application is an intent-to-use application.

2. The Opposer, through its exclusive licensee W.R. Case and Sons Cutlery Company, has used the mark RIDGEBACK as a trademark for pocket knives since at least January 1993.

3. CaseMark, through its exclusive licensee, W.R. Case and Sons Cutlery Company, has a date of first use for RIDGEBACK of January 1993 in connection with pocket knives long before Applicant applied to register RIDG-BACK by filing an intent-to-use application on January 30, 2006.

4. Opposer is the owner of U.S. Trademark Registration No. 2,666,492 for RIDGEBACK covering pocket knives. The United States Patent and Trademark Office granted Opposer this trademark registration on December 24, 2002. A copy of Opposer's trademark registration for RIDGEBACK is attached hereto as Exhibit "A" ("Opposer's Mark").

5. CaseMark, through its exclusive licensee W.R. Case and Sons Cutlery Company, has sold and sells its goods under the RIDGEBACK trademark in interstate commerce since at least January 1993 in the United States. Opposer has developed exceedingly valuable goodwill in respect to Opposer's Mark.

6. By virtue of its methods, and the expenditure of considerable sums for promotional activities, and by virtue of the excellence of its products, the Opposer has obtained for Opposer's Mark a most valuable reputation.

7. The trademark proposed for registration by the Applicant, namely RIDG-BACK, includes a substantial duplicate of Opposer's Mark and is applied to goods of the same or similar descriptive properties as that of Opposer's goods and so nearly resembles the Opposer's Mark, as to be likely to be confused therewith and mistaken therefor. The Applicant's Mark is deceptively similar to Opposer's Mark so as to be likely to cause confusion and lead to deception as to the origin of Applicant's goods bearing the Applicant's Mark. The only difference between the marks is the deletion of the letter "E" and the addition of a "-" symbol in Applicant's RIDG-BACK. Phonetically, RIDG-BACK and RIDGEBACK are identical. The goods are also similar in that a pocket knife is a hand tool used for cutting.

8. If the Applicant is permitted to use and register its mark for its goods, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused or would result by reason of the similarity between Applicant's Mark and Opposer's Mark. Many persons familiar with Opposer's Mark would be likely to buy Applicant's goods as and for a product made and sold by Opposer. Moreover, even if such persons should notice any difference whatever between the Applicant's Mark and the Opposer's Mark, they would nevertheless be likely to believe that the Applicant's Mark and the Opposer's Mark are, in fact, companion marks used by the same manufacturer on companion or related products. Any such confusion in trade inevitably would result in loss of sales to the Opposer. Furthermore, any defect, objection or fault found with Applicant's products marked under its mark would necessarily reflect upon and seriously injure the reputation which the Opposer has established for its products merchandised under its marks.

If the Applicant is granted the registration herein opposed, it would obtain thereby at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer and to customers who sell Opposer's goods under Opposer's Mark.

9. On information and belief, the merchandise that would be sold under the mark which Applicant seeks to register would be handled by the same merchants as goods of the same descriptive properties to which Opposer's Mark is applied, and therefore Opposer avers that the close similarity of the marks and the manner in which they are portrayed and pronounced when applied to similar products handled by the same merchants are likely to be confusing to the purchasing public to the detriment and damage of the Opposer.


10. This Notice of Opposition is being electronically filed with the Trademark Trial and Appeal Board and the fee of \$300.00 is submitted herewith. If there are any additional fees due and owing in connection with this request, please feel free to charge our Deposit No. 08-2442.

**WHEREFORE**, the Opposer prays that the application Serial No. 78/802,706 filed January 30, 2006 be rejected and that the registration of the mark therein sought for the goods therein specified be denied and refused.

Dated: Buffalo, New York  
March 26, 2007

Respectfully submitted,

HODGSON RUSS LLP

By:   
Kenneth D. Suzan  
One M&T Plaza, Suite 2000  
Buffalo, New York 14203-2391  
(716) 856-4000

Attorneys for Opposer

## **Exhibit A**

**Int. Cl.: 8**

**Prior U.S. Cls.: 23, 28 and 44**

**United States Patent and Trademark Office**

**Reg. No. 2,666,492**

**Registered Dec. 24, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**RIDGEBACK**

CASEMARK, INC. (DELAWARE CORPORATION)  
103 SPRINGER BUILDING, SILVERSIDE ROAD  
WILMINGTON, DE 19810

FIRST USE 1-0-1993; IN COMMERCE 1-0-1993.

SER. NO. 76-392,566, FILED 4-9-2002.

FOR: POCKET KNIVES, IN CLASS 8 (U.S. CLS. 23,  
28 AND 44).

WON TEAK OH, EXAMINING ATTORNEY